

LAW OFFICE OF RICHARD W. SNYDER  
RICHARD W. SNYDER, ESQ., State Bar # 183570  
131 N. Tustin Ave., Suite 200  
Tustin, CA 92780  
(714) 505-7585

Attorney for Movant  
DANIEL'S JEWELERS

FILED & ENTERED

FEB 28 2018

CLERK U.S. BANKRUPTCY COURT  
Central District of California  
BY bakchell DEPUTY CLERK

**NOT FOR PUBLICATION**

**CHANGES MADE BY COURT**

UNITED STATES BANKRUPTCY COURT

CENTRAL DISTRICT OF CALIFORNIA

LOS ANGELES DIVISION

In re

EDDIE MARIN

Debtor(s),

) Case No.: 2:17-24566-RK

) CHAPTER 7

) ORDER DENYING MOTION FOR  
) ORDER AUTHORIZING DEBTOR  
) EXAMINATION AND PRODUCTION  
) OF DOCUMENTS UNDER  
) BANKRUPTCY RULE 2004 WITHOUT  
) PREJUDICE

) Date: 03/23/2018

) Time: 12:30PM

) Place: 131 N TUSTIN AVE

\_\_\_\_ SUITE 200

\_\_\_\_ TUSTIN CA 92780

TO DEBTOR EDDIE MARIN, AND HIS COUNSEL OF RECORD, LAUREN M. FOLEY,  
AND CREDITOR DANIEL'S JEWELERS AND ITS COUNSEL OF RECORD, RICHARD  
W. SNYDER:

Pending before the court is the motion of Creditor Daniel's Jewelers for an order  
authorizing a Debtor examination and production of documents relating to its collateral  
jewelry pursuant to Federal Rule of Bankruptcy Procedure 2004. Richard W. Snyder, of

1 the Law Office of Richard W. Snyder, represents Creditor.

2 Creditor moving for an order for a Rule 2004 examination must comply with Local  
3 Bankruptcy Rule 2004-1(a), which requires a pre-filing attempt to confer in person or  
4 telephonically to arrange a mutually agreeable date, time, place and scope of an  
5 examination or production. Addressing this requirement, counsel for Creditor faxed a  
6 letter to counsel for Debtor on February 23, 2018 stating that counsel for Creditor has  
7 prepared a motion for examination of Debtor on March 23, 2018 and requested counsel  
8 for Debtor to contact his office to confer telephonically to arrange a mutually agreeable  
9 date, time, place and scope of examination or production within 4 days, i.e., by February  
10 27, 2018. February 23, 2018 was on a Friday, the day before the weekend, and two of  
11 the four days within which counsel for Debtor was to contact counsel for Creditor fell on  
12 a weekend, Saturday February 24, 2018 and Sunday February 25, 2018, and thus,  
13 counsel for Debtor only had two business days, Monday February 26, 2018 and  
14 Tuesday February 27, 2018 to consult Debtor and respond to counsel for Debtor before  
15 counsel for Creditor filed his motion for an order authorizing the Rule 2004 examination  
16 on Tuesday February 27, 2018 at 8:44 p.m.

17 Under these circumstances, the court determines that this short period of time of  
18 four calendar days and only two business days for counsel for Debtor to consult her  
19 client and confer with counsel for Creditor is unreasonably short and is not a good faith  
20 attempt to confer and agree on a mutually agreeable date, time, place and scope of  
21 examination under Local Bankruptcy Rule 2004-1(a). Accordingly, the court denies the  
22 Motion without prejudice with instructions to counsel for Creditor that the court will not  
23 approve its motion for a Rule 2004 examination unless counsel for Creditor provides at  
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1 least 7 calendar days notice (including 5 business days) for counsel for Debtor to  
2 respond to the request to confer under Local Bankruptcy Rule 2004-1(a).

3 **Creditor Daniel's Jewelers may not take the Rule 2004 examination of**  
4 **Debtor Eddie Marin at this time, and Debtor Eddie Marin is not required to appear**  
5 **before, and is not required to produce documents to, counsel for Creditor,**  
6 **Richard W. Synder, at 131 N. Tustin Ave., Suite 200, Tustin, CA 92780, on**  
7 **03/23/2018 at 12:30PM.**  
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9 IT IS SO ORDERED.  
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25 Date: February 28, 2018  
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27   
28 Robert Kwan  
United States Bankruptcy Judge

EXHIBIT "1"

~~1. All of the following documents:~~

~~(a) any documents relating to the location and/or condition of the property  
purchased from DANIEL'S JEWELERS; and~~

~~(b) copies of all sales receipts and credit card receipts evidencing the purchase  
of items from DANIEL'S JEWELERS.~~